

REMARKS/ARGUMENTS

Applicants gratefully acknowledge the courteous and helpful interview held with Examiner Bouchelle on Tuesday, September 25, 2007. At that interview, Applicants described the procedure which is the subject of the present application and presented a demonstration of its operation on a model of the spine. In particular, Applicants described the criticality of anchoring the distal portion of their catheter device in the nucleus of the disc while substances are being delivered, either for therapeutic or diagnostic purposes. The Examiner pointed out that while the prior art of record does not disclose a patient moving about with a catheter in the disc space, anchored or otherwise, that the present claims can be interpreted to require only incidental movement which might be expected for patients, even those undergoing surgical procedures.

It was thus agreed that independent claims 1 and 35 in the present application would be amended to clarify that the patient movement would be such that the change would cause the catheter to move in a manner that would dislodge the catheter from the disc if it weren't anchored.

Applicants have amended independent claim 1 to specifically recite that the patient is allowed "to move so that the distal end of the catheter would be pulled from the nucleus if it were not anchored." Support for this amendment is found, for example, in paragraphs [0068], [0089] and [0094] of the application as filed. Independent diagnostic claim 35 has been amended in a slightly different manner to recite that the patient is instructed to assume a pain-causing position "which would pull the distal end of the catheter from the disc nucleus if it weren't anchored." Support for this amendment is also found in paragraphs [0068], [0089] and [0094] of the application as filed. In addition, new dependent claims 131 and 132 have been added directed at the specific cases where the patient may be instructed "to perform a task" (claim 131) such as "to bend over" (claim 132). Support for these new claims is found in paragraph [0068] as filed.

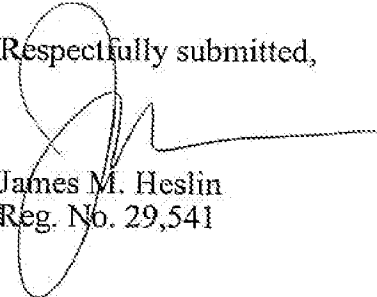
Appl. No. 10/825,961
Amdt. dated October 10, 2007
Reply to Office Action of July 24, 2007

PATENT

In view of the above amendments and remarks, Applicants believe that all pending claims are now in condition for allowance and request that the application be passed to issue at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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